

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION


JARVOUS WILLIS, #19020253,)	
Petitioner,)	
)	
vs.)	No. 3:21-CV-1986-N (BH)
)	
DIRECTOR, Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	

ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal, received on April 15, 2022 (doc. 24), is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the findings, conclusions, and recommendations filed in this case on October 22, 2021, and December 23, 2021 (docs. 11, 16). Based on those filings, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. The request is also denied because the petitioner has not established that he is a pauper under 28 U.S.C. § 1915(a), which provides that a prisoner seeking to appeal a judgment in a civil action “shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the . . . notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.” The petitioner has submitted no such statement or institutional equivalent, or any affidavit, declaration or other proof to show that he has followed the proper procedures at his facility to request such a statement but has been unable to obtain it.
- (X) Although this Court has denied leave to proceed *in forma pauperis* on appeal, the petitioner may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

DATE: June 16, 2022


UNITED STATES DISTRICT JUDGE